

EXHIBIT A

(excerpted)

UNCERTIFIED TRANSCRIPT

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ROUGH DRAFT OF ERICH SPECKIN - 3/29/07

VIDEOGRAPHER: We are on the record. This is tape and disk one of the deposition of Erich Speckin, being taken at the law offices of Brooks Kushman, 1,000 Town Center, 22nd floor, Southfield Michigan. Today is Thursday, March 29, 2007. The time is approximately 9:15 a.m.. this is in the matter of Armament Systems and procedures ink versus IQ Hong Kong limited et al. Civil action until 00-C-1257, pending in U.S. district court for the eastern district of Wisconsin. My name is Patrick Murphy, legal videographer for Esquire Deposition Services. The attorneys will now introduce themselves for the record.

MR. McLAREN: My name is Richard McLaren, I represent Armament Systems and with me today is expert Emily Will and my client, Kevin Parsons.

MR. CUNNINGHAM: Tom Cunningham on behalf of IQ Hong Kong and Zen Design.

MR. CURTIN: Peter Curtin of Venable, here on behalf Vector projects, Northland, fishing and tackle, mills fleet farm and the carqwest defendants.

MR. SCOTT: Craig Scott on behalf of Admissive

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- 1 A. To a reasonable degree of scientific certainty, I
2 believe that they are. Not to a certainty, though.
3 Q. To a reasonable degree of scientific certainty, those
4 are impressions?
5 A. Correct.
6 Q. When were they put into the document from which you did
7 this ESDA lift?
8 A. I don't --
9 MR. SCOTT: Objection to form.
10 MR. McLAREN: Basis.
11 MR. SCOTT: When what was what put into the
12 document.
13 MR. McLAREN: We will be real careful here.
14 Q. (By Mr. McLaren): Referring to the two green lines,
15 which are impressions in the document, when were the
16 impressions put in the document, Mr. Speckin?
17 MR. CUNNINGHAM: Objection.
18 MR. McLAREN: Basis.
19 MR. CUNNINGHAM: The green lines themselves
20 aren't impressions.
21 MR. McLAREN: Try it again.
22 Q. (By Mr. McLaren): Mr. Speckin, referring to the green
23 highlighting, you have highlighted impressions,
24 correct?
25 A. Correct.

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- 1 Q. When were those impressions put in that piece of paper?
2 A. I don't know.
3 Q. With regard to the orange lines to the lower right,
4 when were those impressions put into the piece of
5 paper?
6 A. I don't know.
7 Q. What about the yellow line, when was that impression
8 made?
9 A. I don't know.
10 Q. Can you opine to a reasonable degree of scientific
11 certainty with regard to the date of the piece of paper
12 Q-2 based on those three sets of impressions?
13 A. Sorry, I don't understand that question.
14 Q. There is a piece of paper you call Q-2, correct?
15 A. Right.
16 Q. And the five lines that you have highlighted on your
17 ESDA lift are impressions in that piece of paper,
18 correct?
19 A. Right.
20 Q. And you don't know when those impressions were made,
21 correct?
22 A. That's right.
23 Q. Can you opine to a reasonable degree of scientific
24 certainty with regard to the validity of the date that
25 is written on the piece of paper Q-2, based on those

- 1 impressions we have just mentioned?
2 A. No, I haven't drawn an opinion as to whether the date
3 -- let me back up. Your question appears to me to be
4 that can I say anything about whether Q-2 was written
5 on February 20th, 1999, or at some other time?
6 Q. Yes. Based on those five impressions we have just
7 discussed?
8 A. And the answer would be no, I don't know one way or the
9 other and I don't have an opinion.
10 Q. Okay. And with regard to Q-6, I'm going to shoot for
11 the same question. Can you opine to a reasonable
12 degree of scientific certainty with regard to whether
13 the piece of paper was sketched on 20 May 2000 based on
14 the impressions that we have just discussed for the
15 last five minutes?
16 A. No, not -- no opinion one way or the other.
17 Q. Is it possible to reach an opinion to a degree of
18 scientific certainty based on your ESDA lifts of the
19 impressions we have just discussed with regard to the
20 validity of that date?
21 A. Based on what I have in front of me right now, the ESDA
22 films and what I know at this point in time?
23 Q. Yes.
24 A. I haven't really thought about this before. I'm really
25 not prepared to answer. I don't -- I don't know of any

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- 1 way off the top of my head, but there very well could
2 be something, I just haven't thought about it with all
3 the sequences that we have from one document into the
4 next, so I can't really answer it as I sit here though.
5 Q. All right. Let me follow upon the sequences point.
6 Assume with me that I take a pen and do a
7 sketch on a sheet of paper A, all right, would you
8 assume that.
9 A. Sure.
10 Q. Okay. Pen and I do a sketch on sheet of paper A. And
11 underneath it is sheet of paper B. Are you with me so
12 far?
13 A. Not too complicated yet.
14 Q. Yes, sir. It is your opinion that there would be an
15 impression on sheet B, the one underneath, from my
16 sketch on sheet A, correct?
17 A. That there would be for a fact? Not necessarily.
18 Q. To a reasonable degree of scientific certainty, would
19 there be an impression?
20 A. Well, it wouldn't be a question of scientific
21 certainty, it would be a question of circumstance. In
22 most instances, yes, it would be.
23 Q. Fair enough.
24 A. But there are things that could happen that would cause
25 an impression to not be there, but in most instances

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- 1 primarily used.
- 2 Q. Okay. And in the course of this examination with
3 microscope, camera and hand held, did you do a line
4 sequencing analysis of any of the graphite with any of
5 the impressions on any of the documents you examined?
- 6 A. I think I looked at it on Q-1, I believe. And I didn't
7 see anything at all that would help me out. I don't
8 think I looked at the sequencing on any of the other
9 documents.
- 10 Q. Would you look at either one of your reports and show
11 me where you refer to a line sequencing analysis? And
12 will represent to you that I do not believe that those
13 words are in either report?
- 14 A. They are not.
- 15 Q. Why is it you did not disclose you had done a line
16 sequencing analysis?
- 17 A. Because I just looked at it briefly and I didn't think
18 it would help one way or the other.
- 19 Q. You testified a minute ago, Mr. Speckin, as I
20 understood it, that it is possible to tell which came
21 first, the impression or the graphite, based on those
22 nine factors you listed?
- 23 A. I said it is possible in some instances, that's
24 correct.
- 25 Q. Okay. Are you telling me that it is not possible with

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- 1 regard to any of the documents here?
- 2 A. No.
- 3 Q. But you did it in Q-1 and you found nothing, correct?
- 4 A. Correct.
- 5 Q. Okay. And you did not do it on any others?
- 6 A. Not that I recall, that's correct.
- 7 Q. But you don't know whether it would have revealed
8 something if you had done it?
- 9 A. Of course not, I don't know.
- 10 Q. Well, I mean, you saw impressions on your ESDA list,
11 correct?
- 12 A. Right.
- 13 Q. And you said that the size of the impression was number
14 one factor on whether or not you could do an
15 intersection analysis between graphite and an
16 impression, right?
- 17 A. That's correct.
- 18 Q. Okay. So based on the size of the impressions you saw,
19 okay, based on your ESDA lifts, would it be possible to
20 do an intersection sequencing analysis?
- 21 A. First, as I said, I don't know, I didn't look at it.
22 Second of all, the ESDA impression doesn't tell you the
23 size of the impression. Looking at a film, you don't
24 know how big the impression is in the paper.
- 25 Q. Okay.

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- 1 A. It is a two dimensional rendition of impressions, not a
2 three dimensional one, so the first part of the
3 question is non sense calendar to the examination.
- 4 Q. Okay. I apologize. You are the expert here. Is there
5 a thing called side lighting examination?
- 6 A. Yes.
- 7 Q. Does that show you the size of the impression?
- 8 A. Yes.
- 9 Q. Did you do it?
- 10 A. Yes.
- 11 Q. And based on the side lighting examination of any of
12 the documents, can you tell me whether it would be
13 possible to do an intersections sequence analysis of
14 the graphite with the impressions you found?
- 15 A. I didn't look at it for the purpose of anything other
16 than Q-1, so I don't know. I don't recall the document
17 specifically enough to answer your question and I
18 didn't examine it for that purpose.
- 19 Q. Was it your purpose, Mr. Speckin, to determine which
20 came first, the impressions or the graphite?
- 21 A. Only as it related to Q-1 at the time I was in Chicago.
- 22 Q. Can you opine to a reasonable degree of scientific
23 certainty which came first on Q-1, the impressions you
24 found or the graphite that's on Q-1?
- 25 A. No.

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- 1 Q. You say that you can opine on paragraph nine that of
2 your Exhibit 3 -- are you with me -- 9 A, B, C?
- 3 A. Correct.
- 4 Q. Okay. That Q-2 was written while fixed in perfect
5 alignment on top of but within a few a pages or less of
6 the page that became Q-1. Did I read that correctly?
- 7 A. That's correct.
- 8 Q. Okay. And in that phrase, you say the page that became
9 Q-1, rather than saying how you described Q-2, which is
10 just referring to it as its designation Q-2. Do you
11 notice that?
- 12 MR. SCOTT: Objection to form.
- 13 A. Did I say it became Q-1?
- 14 Q. Yeah. You say that that page that became Q-1.
- 15 A. Sure, I understand why.
- 16 Q. Okay. My first point is, you contrast the two in A,
17 you say Q-2, not the page that became Q-2, right?
- 18 A. Correct.
- 19 Q. And then you say the page that became Q-1, correct?
- 20 A. Absolutely.
- 21 Q. But you cannot opine which came first, the graphite or
22 the impressions on Q-1, you just said so, right?
- 23 A. From the ESDA film or the side lighting, but based on
24 the fact that it was fixed on the tablet and people
25 normally write from the top of the tablet down as

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- 1 opposed to the bottom of the tablet up, that would be a
2 correct statement.
- 3 Q. Okay.
- 4 A. So if you want me to assume that the person wrote from
5 the bottom of the tablet up, then I would say well,
6 then that may not be the case. But based on everything
7 else, that's my conclusion.
- 8 Q. All right. Let's assume -- let's just take your answer
9 and talk about that.
- 10 Can you tell me where in your report you site
11 a scientific article, peer reviewed, that people
12 ordinarily write sketch, not write, sketch, a drawing
13 on a pad of paper from the top down.
- 14 A. You know, I don't know if that's ever been published in
15 a scientific journal or not.
- 16 Q. You site none in your report?
- 17 A. I definitely do not site one in the report.
- 18 Q. Have you ever read one?
- 19 A. Not that I can think of.
- 20 Q. Can you tell me whether there is any recognized
21 treatise in the area of forensics that says that people
22 have been studied in ordinarily sketch inventions on a
23 pad from the top page down?
- 24 A. You know, it seems so obvious to me that I don't know
25 that I have ever even looked for that or heard anyone

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- 1 as being fixed in perfect alignment. Correct?
- 2 A. That's correct.
- 3 Q. Why did you make that change?
- 4 A. Because I don't have the document that of unknown
5 origin to say exactly that the graph paper lines up
6 with the document itself, so I was more conservative
7 when I said near perfect. And the other one, I have
8 Q-1, Q-2 and Q-6. In other words, every document
9 that's referenced in that paragraph, I have and was
10 able to examine. I was not able to examine the
11 document, quote unquote, of unknown origin, so I was
12 more conservative in my opinion.
- 13 Q. Okay. Maybe I am misreading this. In paragraph eight
14 you are talking about common impressions on Q-6 and
15 Q-2, correct?
- 16 A. Correct.
- 17 Q. Okay. And you are saying that Q-6 and Q-2 were lined
18 up?
- 19 A. Correct.
- 20 Q. So the exact words were -- I'm reading the second to
21 last line, paragraph eight. Q-6 was fixed in near
22 perfect alignment on top of Q-2. Etcetera. End quote.
23 Did I read that correctly?
- 24 A. Correct.
- 25 Q. So you are referring to Q-6 on top of Q-2?

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- 1 discuss it before. I have never heard anyone argue to
2 the contrary that I can think of in my lifetime. There
3 probably is one that exists, but I have never paid
4 attention.
- 5 Q. You go none 9 B and you say Q-6 -- I'm reading, so
6 check me on this. Quote Q-6 was written while fixed in
7 perfect alignment on top of the page that became Q-2
8 while Q-2 was fixed above Q-1. Paren, both Q-2 and Q-1
9 were purportedly done one and three years prior to Q-6.
10 Closed paren. Did I read that correctly?
- 11 A. I believe that was verbatim.
- 12 Q. Okay. Now looking up in paragraph eight, reading that
13 last sentence, begins the common impressions, are you
14 with me?
- 15 A. Okay. Yes.
- 16 Q. Quote the common impressions are much stronger on Q-6
17 than on Q-2 and sparsely lined up with the graph
18 paper lines which again shows that Q-6 was fixed in
19 near perfect alignment on top of Q-2 when the drawing
20 was of unknown origin was made. Did I read that
21 correctly?
- 22 A. I believe so.
- 23 Q. So in paragraph eight, you describe them as being fixed
24 in near and I am emphasizing near perfect alignment,
25 but in the next paragraph you describe them in nine B

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- 1 A. Correct.
- 2 Q. Okay. Now in nine, B, Q-6, same Q-6, right, Mr.
3 Speckin,?
- 4 A. That's correct.
- 5 Q. Okay. Was written while fixed in perfect alignment on
6 top of the page that became Q-2, etcetera, end quote.
7 Did I read that correctly?
- 8 A. Yes.
- 9 Q. Same Q-2, right?
- 10 A. That's correct.
- 11 Q. So from paragraph 8 to paragraph 9, your opinion
12 changed from near perfect to perfect, right?
- 13 A. Based on something -- they are not exactly the same
14 thing that was examined there.
- 15 Q. Okay. Let me go back. Paragraph 8 refers to exactly
16 two things. Q-6 and Q-2, I'm referring to the last
17 line that I just read you. Shows that Q-6 was fixed in
18 near perfect alignment on top of Q-2, etcetera,
19 etcetera.
- 20 A. I didn't follow exactly along because I was reading
21 something else when you said it, but the last four
22 times you read it it was verbatim, I assume that time
23 it probably was.
- 24 Q. Okay. Paragraph eight refers to Q-6, near perfect, on
25 top of Q-2. Paragraph nine B refers to Q-6, perfect on

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- 1 A. I don't believe it is in there.
 2 Q. I don't believe it is either. How about the word
 3 perforations as when you rip off a page like on my
 4 legal pad here, perforations, is the word perforations
 5 in your report?
 6 A. No.
 7 Q. In your addendum?
 8 A. No.
 9 Q. Did you examine the pages to see if they had
 10 perforations?
 11 A. Yes.
 12 Q. And where they there?
 13 A. I did not see any.
 14 Q. And you did not report the fact that they weren't
 15 there?
 16 A. No, I don't believe I did.
 17 Q. The absence of any perforations would tend to suggest
 18 that they were -- that the piece of paper was not in a
 19 pad, it would be one element of evidences that it was
 20 not part of a pad, true?
 21 A. Not with graph paper, no.
 22 Q. You are telling me it is impossible that graph paper
 23 could have been bound like my legal paper?
 24 A. Of course I didn't say that.
 25 Q. So it is possible and the absence of perforations would

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- 1 be evidence that the piece of paper you are dealing
 2 with didn't come from a pad like this, would it not?
 3 MR. SCOTT: Objection to form.
 4 A. Would it be evidence of that? No. I wouldn't say it
 5 would be evidence of that because most of the graph
 6 paper that I am familiar with that I have seen isn't
 7 perforated.
 8 Q. That wasn't the hypothetical, Mr. Speckin. I'm asking
 9 you about your finding that you didn't report that
 10 there were no perforations, that you looked for them
 11 and there were none. That's what I'm asking you about.
 12 Are you with me?
 13 A. I'm with you so far. That's what I have been
 14 answering.
 15 Q. Do you regard the absence of perforations to be not
 16 useful whatsoever in determining whether the pieces of
 17 paper came from a pad?
 18 MR. SCOTT: Objection. That's precisely the
 19 question he was answering before you accused him of not
 20 answering your question. As the record will reflect,
 21 sir.
 22 A. Do I consider the absence of impressions any evidence
 23 at all?
 24 Q. Absence of perforations?
 25 A. That's what I meant, right, right.

- 1 Q. Yes?
 2 A. Do I consider any evidence at all that what?
 3 Q. That the piece of paper came or didn't come from a pad?
 4 A. No, not with graph paper. Like I said, because most of
 5 the time it is not perforated.
 6 Q. All right. How about glue, do you -- did you examine
 7 the edges of the original documents for glue?
 8 A. I looked visibly and with a microscope, yes.
 9 Q. And you did not report that in your report?
 10 A. Specifically that, no, I said I examined it with a
 11 microscope and I said I examined the edges with a
 12 microscope when you asked me earlier, but I don't think
 13 it is as specifically that in the report.
 14 Q. The word glue is not in there, we agreed to that,
 15 right?
 16 A. Yes.
 17 Q. Okay. So you did not report that you looked for glue,
 18 fair?
 19 A. That's correct.
 20 Q. Okay. But you're testifying today that you did look
 21 for glue, true?
 22 A. True.
 23 Q. And you found none, right, Mr. Speckin?
 24 A. Yes, that's right.
 25 Q. Not on any of the documents that you reviewed?

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- 1 A. I believe I only looked at Q-1 and maybe Q-2 for that.
 2 Q. And found no glue?
 3 A. That's right.
 4 Q. Do you regard that as being useless as far as evidence
 5 of whether the piece of paper came from a pad?
 6 A. I wouldn't say it is useless, no.
 7 Q. Isn't it some evidence that the piece of paper did not
 8 come from a pad?
 9 A. Not based on everything else that I have, no.
 10 Q. Why is that?
 11 A. Because the --
 12 Q. Understand I'm asking why isn't the absence of glue
 13 important here? That's the question.
 14 A. Because the alignment of the impressions and all the
 15 films that I have is so overwhelming obvious that it
 16 was in a pad that I didn't consider that to be a likely
 17 scenario that just because it didn't have the glue that
 18 it wasn't from a pad.
 19 Q. So if you were able to do a test microscopically of the
 20 edges of the paper and determine that there had been no
 21 glue on them ever, you still would not consider it
 22 important because of the alignment of the graph paper?
 23 A. There would be no way to conclude that there had never
 24 been no glue on them. That's why your hypothetical --
 25 that's why you don't think I'm making sense probably.

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- 1 You could never look at it microscopically and say this
2 document never had glue on it. It is not possible.
- 3 Q. Is that your testimony under oath, Mr. Speckin, that
4 you cannot look at the edge of a piece of paper and
5 tell whether there has never been any glue on it?
- 6 A. Correct.
- 7 Q. Okay. Now let me ask you this. You mentioned Ampad
8 here in your report correct?
- 9 A. Which report?
- 10 Q. I will find it. Would you look for it too, please? See
11 if you can find it.
- 12 A. I believe it is paragraph 19 of the first report.
- 13 Q. And that would be the manufacturer of my legal pad?
- 14 A. One in the same.
- 15 Q. Yes. And do you know whether or not the original
16 pieces of paper that you examined, for example, the
17 original that is right there, was in fact manufactured
18 by Ampad?
- 19 A. No.
- 20 Q. Do you know who the manufacturer of any of the pieces
21 of paper in fact was?
- 22 A. I think one of them it is on the paper. I would have
23 to review -- I have the copies here.
- 24 Q. Yes. That's all right. I will tell you Q five says 3M
25 in tiny letters across the bottom. Other than that

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- 1 one, do you know the manufacturer of any of the
2 documents?
- 3 A. Accepting that that's correct, then I don't know any of
4 the other ones, no.
- 5 Q. Did you take any steps to determine the actual
6 manufacturer of any of the pieces of paper?
- 7 A. Yes.
- 8 Q. And what steps did you take?
- 9 A. I looked for any identifying characteristics on the
10 paper, either the front or the back, or for a water
11 mark that was embedded into the paper, and I didn't see
12 anything. In any of the documents other than the one
13 that had the notation on the front.
- 14 Q. Since you don't know the manufacturer of any of the
15 pieces of paper but the one, which I represented, not
16 you, okay, says 3M, you also therefore don't know what
17 plant manufactured any of the pieces of paper, true?
- 18 A. Of course.
- 19 Q. And you don't know what paper making machine in the
20 plant manufactured any of the paper, true?
- 21 A. Of course.
- 22 Q. Okay. And similarly, you do not know what cutting
23 machine cut any of the edges of any of the pieces of
24 paper, true?
- 25 A. What specific machine?

- 1 Q. Yeah.
- 2 A. Of course, I don't.
- 3 Q. And you don't know even the type of cutting machine
4 that is the manufacturer of the machine, for example,
5 that cut any of the edges of any of the pieces of
6 paper, true?
- 7 A. Can you read that one back to me, please.
8 (Whereupon the question was read.)
9 Back by the court reporter.)
- 10 A. I don't know the type or the manufacturer, I guess that
11 would be a compound question, but I don't know either
12 one.
- 13 Q. Okay. You don't know how many times the cutting blade
14 comes down per day, would that be fair?
- 15 A. Of course not.
- 16 Q.
- 17 A. That's fair.
- 18 Q. And you don't know how many times the blade is used per
19 year, could be used to cut 10 million sheets of paper
20 for all you know, correct?
- 21 A. Could very well be.
- 22 Q. Do you know how often a company that makes graph paper
23 uses a blade to cut the sheets of paper to eight and a
24 half by 11 size, do you know the answer?
- 25 A. Every tablet. No, I don't know how many times though.

- 1 Q. Well, let me rephrase the question. Do you know how
2 many sheets of paper are cut by a blade before they
3 changed the blade?
- 4 A. I have no idea.
- 5 Q. Could it be 10 million?
- 6 A. Although I don't know, that strikes me as really high,
7 but I have to say, I don't know.
- 8 Q. Do you know the size of the piece of paper when it is
9 made graph paper? Do you understand the question?
- 10 A. You mean before it is cut?
- 11 Q. No, I'm talking about when the paper which is plane,
12 let's say white, becomes graph paper, with grid lines,
13 do you know what size that paper is when it is made
14 graph paper?
- 15 A. When the lines are printed on it you mean?
- 16 Q. Yes.
- 17 A. No.
- 18 Q. Do you know how the lines are printed on it?
- 19 A. No.
- 20 Q. Do you know the proximate size of the machine that
21 prints the graph paper on it?
- 22 A. No idea.
- 23 Q. Do you know how many eight and a half by 11 sheets are
24 printed at a time when graph paper is made?
- 25 A. Well first, I don't even know what size they are as I

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- 1 said earlier.
- 2 Q. Except that they are bigger than eight and a half by 11
3 or maybe exactly eight?
- 4 A. I don't know.
- 5 Q. Well, they can't be smaller, can they?
- 6 A. They definitely aren't smaller, but I don't know that
7 they are exact. They could be bigger and then cut, I
8 don't know.
- 9 Q. Yes. Okay. Do you know what size -- assume with me
10 that the paper is manufactured and placed on a roll.
- 11 Do you know how big the roll is?
- 12 A. It varies by manufacturer.
- 13 Q. Okay. And of course you don't know the manufacturer of
14 these originals that we are talking about here?
- 15 A. That's correct.
- 16 Q. During your second examination --
- 17 A. Is this okay for like a five minutes.
- 18 MR. McLAREN: Yeah, sure. 1:345. Off the
19 record.
- 20 VIDEOGRAPHER: We will go off the record at
21 1:43.
- 22 (Whereupon a break was taken.)
- 23 From
- 24 VIDEOGRAPHER: We are back on the record at
25 2:03. Please proceed.

- 1 paper lines on the Ampad pads that you purchased?
- 2 A. I don't believe so.
- 3 Q. Do you still have the Ampad pads that you purchased?
- 4 A. Yes.
- 5 Q. Are they here today?
- 6 A. No.
- 7 Q. Did you consider them?
- 8 A. No.
- 9 Q. Did you consider any other sources of graph paper such
10 as reams of graph paper or other manufacturers of pads?
- 11 A. Nothing directly. I mean, other than what I have seen
12 in my lifetime.
- 13 Q. Have you -- do you have any knowledge or experience
14 with regard to the tolerances adhered to by
15 manufacturers of graph paper?
- 16 A. What do you mean tolerances?
- 17 Q. I mean the distance between the tiny blue lines and the
18 distance between the tiny blue lines and the edge of
19 the paper. Two examples.
- 20 A. The first, the distance between the tiny blue lines, I
21 would say is pretty standard. The distance between the
22 blue lines and the edge of the paper, I have no idea if
23 they even pay attention to that or not.
- 24 Q. And do you know what the margin of error is on an Ampad
25 pad for the distance between the tiny little blue

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- 1 Q. (By Mr. McLaren): Mr. Speckin, you testified a number
2 of places that the graph paper lines line up, correct
3 in in your reports?
- 4 A. It is mentioned in many places. Is that your question?
- 5 Yes.
- 6 Q. Yes. I did not find any reference to any tests that
7 you did with regard to pads of paper or reams of paper
8 other than the originals involved in this case. Is
9 there any such reference in your reports?
- 10 A. Any such reference to what, testing on reams or pardons
11 of paper?
- 12 Q. Right.
- 13 A. I don't believe so.
- 14 Q. Did you do any testing or analysis of reams or pads of
15 paper other than the originals that are involved here?
- 16 A. Let me take that back. 19 A pretty clearly says the
17 graph paper is similar to a commercially available pad
18 made by Ampad as well as others. So that was one thing
19 that I did do, I did get some Ampad pads to look at the
20 paper in them, the layout, formatting, that sort of
21 thing. So that would be the answer to both of your
22 questions, that is what I did and I take back my answer
23 previously that I did do something that was mentioned
24 in the report and it is under 19 A.
- 25 Q. All right. Did you make any measurements of the graph

- 1 lines?
- 2 MR. SCOTT: Objection to form.
- 3 A. No, I don't know what the margin of error is.
- 4 Q. Are the -- how far apart are the tiny little blue lines
5 on the originals of Q-6?
- 6 A. I don't know.
- 7 Q. Well, eye ball it and just give me your best estimate.
- 8 Would you say they are a millimeter apart?
- 9 A. Well, actually, I I don't think I am that good at the
10 metric system to be able to tell you.
- 11 Q. 8th of an inch or 16th of an inch?
- 12 A. Let's see.
- 13 MR. CUNNINGHAM: Objection. Calls for
14 speculation.
- 15 A. Yeah, probably an eighth maybe. I don't know exactly
16 though. Just a guess.
- 17 Q. How many major squares are there top to bottom?
- 18 A. Pretty close to 11.
- 19 Q. Okay. Would you say that the major squares an inch?
- 20 A. Probably a little bit over, but I don't know, I am just
21 guessing.
- 22 Q. Yes. Well, I mean, it is an eight and a half by 11
23 piece of paper, correct?
- 24 A. Right.
- 25 Q. And how many squares major squares across?

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- 1 A. About eight and a half.
 2 Q. Okay. And how many little tiny squares within a major 2
 3 square, would you agree ten by ten?
 4 A. Yes.
 5 Q. Okay. And do you know what the tolerance -- I think I 5
 6 asked you that before. You do not know what the
 7 tolerances are that the printing companies follow for
 8 the accuracy of those little blue lines, right?
 9 MR. CUNNINGHAM: Objection.
 10 A. So your question is based on what we just said, that
 11 the squares are probably a tenth of an inch?
 12 Q. Right.
 13 A. So how exactly are they -- how close are they to a
 14 tenth of an inch?
 15 Q. Exactly. What's the plus minus, the margin of error
 16 for the little blue lines?
 17 A. No idea.
 18 Q. Okay. And how about the edges?
 19 A. How about them?
 20 Q. What's the margin of error that typical graph paper
 21 manufacturers follow with regard to the distance
 22 between the little tiny blue lines and the edge of the
 23 paper?
 24 MR. CUNNINGHAM: Objection.
 25 A. That's the one I said I don't even know if they pay

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- 1 A. MR. CUNNINGHAM: Objection.
 3 A. I didn't consider the degree of variation, I saw among
 4 the six anymore than I already knew from the history of
 5 my life in looking at graph paper and being around it
 6 and using it, just confirmed what I already knew. I
 7 mean, I relied on my life's knowledge.
 8 Q. And is it your testimony that pieces of graph paper
 9 from different pads cannot possibly have the same lines
 10 vis-a-vis the edges of the paper?
 11 A. Of course I didn't say that.
 12 Q. Okay. Is it your testimony that they probably don't
 13 have the same tolerances to the edge?
 14 MR. CUNNINGHAM: Objection.
 15 A. What was the question, they don't have the same
 16 tolerances?
 17 Q. Yeah.
 18 A. My answer is I have no idea what the tolerances are.
 19 Q. Right. But you just said a minute ago that you had a
 20 group of five or six Ampad pads and you looked at them
 21 and you relied on your life experience, all right, and
 22 my question is, is it your testimony that different
 23 pads could not have pieces of paper in them that match
 24 up?
 25 A. That's right what you asked me and I said of course I

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- 1 attention to that.
 2 Q. Yes. Okay. And you didn't do any testing of that,
 3 correct?
 4 A. I looked at other pieces of graph paper when I got the
 5 Ampad to see how it varied from pad to pad, and I saw
 6 that there was a variance from pad to pad.
 7 Q. How many pads did you test or look at?
 8 A. I think there were six. I bought a bundle and I think
 9 there was six pads in the bundle or maybe five.
 10 Q. Do you still have the pad, the bundle?
 11 A. Yes.
 12 Q. Did you bring it here today?
 13 A. No.
 14 Q. Have you ever mentioned that in your report anywhere?
 15 A. As I said when you asked me before, I think it is
 16 mentioned peripherally in 19 A when I said it is
 17 commercially available -- similar to commercially
 18 available pad made by Ampad.
 19 Q. Okay. And did you consider those Ampad pads, five
 20 six of them, in coming to your conclusions in this
 21 report?
 22 MR. SCOTT: Objection. Asked and answered.
 23 A. I don't believe so, no, not in the conclusion, no.
 24 Q. So you didn't consider the degree of variation that you
 25 saw among the six, for example?

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- 1 didn't say that.
 2 Q. And you are not saying that now?
 3 A. Of course not.
 4 Q. Okay. So you cannot testify that the various pieces of
 5 graph paper that we have before us here in this case
 6 are from the same pad or from a different pad, true?
 7 A. Not true.
 8 Q. You can testify that they are from the same pad?
 9 A. I can testify to a reasonable degree of certainty based
 10 on everything that I have found that they are, yes. Of
 11 the ones that I noted in my report, and I said which
 12 ones were from the same pad.
 13 Q. Okay. And that is -- you are able to testify to that
 14 to a reasonable degree of scientific certainty even
 15 though you have only looked at six other Ampad pads and
 16 no other manufacturer and don't know the tolerances, is
 17 that a fair summary?
 18 MR. CUNNINGHAM: Objection.
 19 A. Right. It is not based on that, so yeah, all those are
 20 true though. You didn't state the basis for my
 21 conclusion, which is why all the other ones didn't
 22 matter, but I agree with you.
 23 Q. The graph paper lines don't matter, is that fair?
 24 A. No, that's not what I said.
 25 Q. The graph paper lines do matter in your conclusion that

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- 1 they are from the same pad?
- 2 A. They are a factor.
- 3 Q. Okay. And I'm trying to explore that. You have
4 testified that you got life experience and you
5 purchased six pads, right?
- 6 A. That's one of the things that I have said since I have
7 been here, that's right.
- 8 Q. And you did not consider that and I think you have said 8
9 that twice over objection of counsel at the other end
10 of the table, you did not consider that in coming to
11 your conclusion, right?
- 12 MR. SCOTT: Objection as to your former
13 question, sir.
- 14 A. I didn't say that, no. I said I did consider my life's
15 experience. I said when I saw the pads that I got, it
16 confirmed what I thought I would see and what I had
17 seen in my life, so I didn't necessarily consider that
18 to arrive at the opinions that I did.
- 19 Q. You consider your life experience but not the six pads,
20 do I have it correct?
- 21 A. To segregate the two like that is misleading. I did
22 not specifically consider the six pads, that's correct,
23 but it confirmed what I saw and what I remembered and
24 what I have seen in my life. So it had something to do
25 with it but it isn't the basis for an opinion is what

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- 1 I'm saying.
- 2 Q. And you have not measured the degree of margin of error
3 of either the graph lines or the graph lines to the
4 edges of any pads, fair?
- 5 MR. SCOTT: Objection. Asked and answered.
- 6 A. Correct.
- 7 Q. But nevertheless, the six pads that you bought
8 confirmed your life experience?
- 9 MR. SCOTT: Objection.
- 10 MR. McLAREN: Having not measured anything.
- 11 A. The six pads are exactly what I thought I would see
12 when I looked at six different pads of graph paper.
- 13 Q. And you have not measured them or in your life
14 experience the lines or the edges of any of the others,
15 is that fair?
- 16 A. That's correct, I don't think I have ever measured the
17 distance in a piece of graph paper in my life.
- 18 Q. Do you know how many manufacturers of graph paper there
19 are in the United States?
- 20 A. No.
- 21 Q. Do you know how many graph paper is sold in a year in
22 the United States?
- 23 A. No.
- 24 Q. In Exhibit 3, --
- 25 A. Refresh my memory. What is that.
- 1 Q. That's your addendum report.
- 2 A. Do you want me to give you Q-6 back to is it is not on
3 table?
- 4 Q. That will be great. I will have it here.
- 5 Q. Exhibit 3, paragraph A2, we talked about this already
6 and you testified that you microscopically examined the
7 edges of the paper in question here, right?
- 8 A. That was one of the things that I mentioned, right.
- 9 Q. Did you make any analysis of the graph paper or the
10 lines or the lines to the edge of the paper here in
11 question, Q-1 through Q-6, when you microscopically
12 examined?
- 13 A. Well, ignore -- when I answer those questions about
14 that, I will ignore Q-5 for obvious reasons because it
15 is not the same kind of paper.
- 16 Q. Okay.
- 17 A. So if that's all right, we will just --
- 18 Q. Sure?
- 19 A. I believe it is Q-5. Let me just make sure.
- 20 Q. I agree?
- 21 A. Just assume that I am not referring to that when eye
22 talk about it. So for all the other ones, yes, I did
23 look at the distance between the grid lines and the
24 edge of the paper.
- 25 Q. Where is that reported in your report?

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- 1 examination that you described, measure the edges, the
2 graph paper lines to the edges of Q-1 through Q-6.
- 3 A. No, I have answered that several times. I have never
4 done it in my life, I don't think, is what I said,
5 including this case.
- 6 Q. Okay. So now turning to paragraph 17, you say that in
7 paragraph 17, you compared the graph lines, is that
8 what you are focusing on, fourth line down, can be
9 easily seen by comparing the graph lines?
- 10 A. Correct.
- 11 Q. Okay. Is that what you were referring to before?
- 12 A. Yes.
- 13 Q. Did you compare the graph lines?
- 14 A. Yes.
- 15 Q. Did you compare them to any control, anything other
16 than Q-1 to Q-6?
- 17 A. In that specific paragraph?
- 18 Q. Anywhere.
- 19 A. Well, yes, there is four different paragraphs that talk
20 about what was compared to what.
- 21 Q. Okay. My question is, in any of the reports, did you
22 compare the graph lines of any of the Q-1 through Q-6
23 documents to a control document, something other than
24 Q-1 through Q-6? Any pad from any manufacturer.
- 25 A. I don't think so, no.

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- 1 Q. Okay. So you compared the graph lines from the graph
2 paper among themselves, is that fair?
- 3 A. What's your question, relative to paragraph 17 or
4 relative to the two reports?
- 5 Q. Well, I'm looking at paragraph 17 because you pointed
6 it to me, but my question is, broadly, you compared the
7 Q-1 through Q-6 graph lines to each other but not to
8 any control, fair?
- 9 A. That's a two part question. The first part, Q-1
10 through Q-6 was compared to each other but not
11 exclusively and only that one to each other. Part two,
12 I did not compare it to a control, as I said
13 earlier.
- 14 Q. And you did not measure?
- 15 A. I never measured anything. I don't know how much more
16 clear I can be.
- 17 Q. Okay. All right.
- 18 A. Relating to graph paper, I have never measured
19 anything.
- 20 Q. Right. You said paragraph 18. And there you say
21 spacially lined up with the graph paper lines which
22 again shows that Q-1 was fixed -- and this time you say
23 near perfect alignment, all right. When you say
24 spacially lined up with the graph paper lines, same
25 question, did you compare Q-1 for these common

- 1 impressions to any graph paper other than Q-1 through
2 Q-6?
- 3 A. First thing, you misquoted the report, it says Q-2 was
4 fixed in near perfect line alignment, not Q-1, as you
5 said. Second of all, I compared Q-1 to Q-2, as it says
6 there. I don't believe I compared either one of them
7 to any document other than Q-1 through Q-6, as I said
8 earlier.
- 9 Q. Now paragraph 19, you talk about the blade marks. Do
10 you see that?
- 11 A. Of the first report?
- 12 Q. Yes. Next paragraph down?
- 13 A. Yes.
- 14 Q. Did you compare the blade marks of Q-1 through Q-6 to
15 any cuts of any edges of any graph paper other than Q-1
16 to Q-6?
- 17 A. No.
- 18 MR. SCOTT: With respect to his initial
19 report?
- 20 MR. McLAREN: Or any report.
- 21 THE WITNESS: No.
- 22 Q. (By Mr. McLaren): Is it your testimony that the blade
23 marks on Q-1 through Q-6 are unique?
- 24 MR. CUNNINGHAM: Objection.
- 25 MR. McLAREN: Basis.

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- 1 MR. CUNNINGHAM: You are including Q-5 in
2 that. And I believe he testified that he would rather
3 keep that out.
- 4 MR. McLAREN: Yes. We have been doing that
5 all along, but I should rephrase. I will.
- 6 Q. (By Mr. McLaren): Mr. Speckin, are you testifying
7 that Q-1 through Q-6 with the exception of Q-5 are
8 unique with regard to their blade marks?
- 9 A.
- 10 MR. CURTIN: Objection. Vague.
- 11 A. What do you mean, unique?
- 12 Q. Well, you say that they have blade marks and you say
13 they are likely the result of the manufacturing process
14 and I'm asking you whether or not you know whether or
15 not there are other individual sheets of paper that
16 have the same blade marks?
- 17 A. I don't know of any other than the ones I mentioned
18 that had the same ones.
- 19 Q. Do you know that there are not any others?
- 20 A. In the world?
- 21 Q. Yes.
- 22 A. I have no idea.
- 23 Q. And that's because you don't know how often a blade is
24 used to cut how many sheets of paper, we established
25 that before?

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- 1 A. That's a two part question again. We did establish
2 that before, but no, that's not why I don't know.
3 Q. All right. Why don't you know whether or not there
4 were other pieces of paper in the world that have the
5 same blade marks?
6 A. Well, if the blade is a rotary blade that cuts down the
7 paper, it is not going to be the same on -- even if
8 that same blade cut ten million sheets, it is not going
9 to have the same marks and same nicks because the
10 imperfections in the blade are not going to hit at
11 exactly the same place down the page, so it doesn't
12 mean there is going to be multiple ones that are the
13 same. At this point in time, I can't establish the
14 uniqueness of what those blade marks are. Also, I have
15 to consider that there is four sides to the paper so
16 based on all four sides, it may very well be unique
17 that no other document in the world from any pad would
18 have the same blade marks. It is possible. But I
19 don't know the answer as I sit here to.
20 Q. Well, if it is -- first if it is a circular blade as
21 you hypothesize, it is going to turn a full
22 revolution, you know, within some space of time,
23 correct?
24 A. Is that answer really obvious that it is yes? I think
25 it is. Of course it will.

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- 1 Q. Sure. So when it comes around full circle, then that
2 next pad is going to have the same blade marks as the
3 pad that was cut by that segment of the circle, one
4 revolution before, right?
5 A. Not necessarily in the same place though, no, there
6 won't.
7 Q. Do you know how paper is manufactured?
8 A. I know there are several different ways it can be
9 manufactured.
10 Q. And do you know how graph paper is printed?
11 A. I said no.
12 Q. Okay. Do you know how it is cut?
13 A. No.
14 Q. Do you know if it uses a circular blade?
15 A. No.
16 Q. Okay. If it is not a circular blade but a straight
17 blade, how many millions of sheets of paper could have
18 exactly the same blade marks, do you know?
19 A. Again, I don't know.
20 Q. Okay. And you don't know whether the exact same blade
21 marks might be on pieces of paper that came from a pad
22 and also on pieces of paper that were packaged as a
23 ream, correct?
24 A. I don't know, right.
25 Q. Okay. At the end of your first report, Mr. Speckin,

- 1 you sign it Erich J Speckin, forensic document analyst.
2 Do you see that?
3 A. Yes.
4 Q. Did I read it correctly?
5 A. Yes.
6 Q. And let me start with this. Did a college award that
7 title?
8 A. No.
9 Q. Did a university award that title?
10 A. No.
11 Q. Have you passed the board of forensic document
12 examination examiners examination?
13 A. No.
14 Q. So you are not board certified by the board of forensic
15 document examiners?
16 A. That's correct.
17 Q. And have you passed the examination given by the
18 national association of document examiners?
19 A. No.
20 Q. So you are not certified by the national association of
21 document examiners, correct?
22 A. That's right.
23 Q. Okay. So if this forensic document analyst title
24 doesn't come from a college or a university or the
25 board of forensic document examiners or the national

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- 1 association of document examiners, from whence does it
2 come?
3 A. What does whence mean?
4 Q. Where did you get the title?
5 A. From my father.
6 Q. Okay. You on the front page say that you have
7 completed three years of training in two renowned
8 forensic libraries -- laboratories in the field. Did I
9 read that correctly?
10 A. Yes.
11 Q. And one of those is your father's?
12 A. That's correct.
13 Q. You also say I have a degree in chemistry from Michigan
14 State University, did I read that correctly?
15 A. Yes.
16 Q. What kind of a degree?
17 A. Bachelor of arts degree.
18 Q. Not a bachelor of science?
19 A. That's right.
20 Q. And you have used that sentence before, correct, Mr.
21 Speckin, the sentence quote I have a degree in
22 chemistry from Michigan State University, end quote?
23 A. Of course.
24 Q. And a judge has opined that it is quote misleading,
25 true?

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- 1 yourself, for example?
- 2 A. That's it. That's all I was told, the court of final
3 -- all I was told about it.
- 4 Q. Okay. Well, there are other quotes about you in this
5 document, but if you have not heard of this -- of what
6 contents are, there is no point in reading it.
- 7 A. Same answer for all these. I have never seen this
8 document, I have never even heard about it, I just knew
9 that the court of final appeal made a decision in 05,
10 but I have never seen it.
- 11 Q. How about the decision by Yam judge, have you ever seen
12 that in writing?
- 13 A. Yes, many times.
- 14 Q. And are you aware that he found that you had
15 exaggerated your credentials?
- 16 A. I think that was one of the things in there, Yes.
- 17 Q. And are you aware that he found that your credentials
18 that you stated your credentials in a way that was
19 misleading?
- 20 A. I don't -- something to that effect. I don't recall
21 exactly what he said every heir paragraph, but
22 something like that.
- 23 Q. Let's take a break for ten minutes while I find my
24 copy. That way I can direct you right to the quotes.
25 VIDEOGRAPHER: This completes tape and disk

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- 1 two. We will go off the record at 2:44.
2 (Whereupon a break was taken .
3 From
4 VIDEOGRAPHER: We are back on the record at
5 3:01. This is tape and disk three of the deposition of
6 Erich Speckin. Please proceed.
- 7 Q. (By Mr. McLaren): Mr. Speckin, would you take the
8 Westlaw document and what exhibit is that, please?
- 9 A. 11.
- 10 Q. Okay. Would you turn to page 198 at the top right hand
11 corner. A quarter of the way down on left hand column,
12 paragraph 29.3, under forensic training, E J S gave the
13 following description. Do you agree that E J S is you,
14 Mr. Speckin?
- 15 A. Yes.
- 16 Q. You gave the description quote two year residency with
17 Leonard A Speckin, his father, in the examination of
18 questioned documents and one year residency with
19 Brunell forensics laboratories in the identification
20 and dating of inks, end quote. Did I read that
21 correctly?
- 22 A. You read it correctly, yes.
- 23 Q. And then the judge Yam goes on to say 29.4, his alleged
24 residency with his father as he admitted has no bearing
25 to this case. Did I read that correctly?

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- 1 with Mr. Brew Mel lasted about 50 days only over a
2 period of one year, and then goes on from there,
3 correct?
- 4 A. Yes.
- 5 Q. Turning to the bottom of 198 in the right hand column,
6 29.7, do you have it?
- 7 A. Yes.
- 8 Q. It says in part it is doubtless that E J S acquired
9 some learning in his association with his father and
10 Mr. Brunell but given the absence of any formal
11 curriculum and again given his penchant for
12 exaggeration, this court cannot really draw any
13 conclusions as to the extent of his knowledge. Period.
14 And it goes on from there. Did I read that correctly?
- 15 A. Yes.
- 16 Q. The top of page 29.-- I'm sorry, page 199, paragraph
17 29.8, judge Yam says that you attempted to magnify your
18 experience by claiming to have examined over 100,000
19 documents. Is that true?
- 20 A. No. Oh, weighs your question, is it true or does it
21 say that?
- 22 Q. Well, does it say that?
- 23 A. Yes.
- 24 Q. Is it true that you claim to have examined over 100
25 thousand documents in that case?

41 (Pages 158 to 161)

Appendix

A

SCHWID0283

Speckin Forensic Laboratories

2105 UNIVERSITY PARK DRIVE, SUITE A
OKEMOS, MICHIGAN 48864
517-349-3528 • FAX 517-349-5538

LEONARD A. SPECKIN
FORENSIC DOCUMENT CONSULTANT

RICHARD L. BRUNELLE
INK DATING CONSULTANT

ROBERT D. KULLMAN
FORENSIC DOCUMENT ANALYST

JAY A. SIEGEL Ph.D.
ANALYTICAL CHEMIST

JOHN G. FUNKHOUSER Ph.D.
ANALYTICAL CHEMIST

MICHAEL J. SINKE
LATENT PRINT/FORENSIC DOCUMENT ANALYST
CRIME SCENE RECONSTRUCTIONIST

DAVID G. TOWNSHEND M.S.
FORENSIC FIREARMS EXAMINER

LAURENCE R. SIMSON M.D.
FORENSIC PATHOLOGIST

ROGER J. BOLHOUSE MBA
FORENSIC ANALYST & CONSULTANT
CRIME SCENE RECONSTRUCTIONIST
LABORATORY DIRECTOR

ERICH J. SPECKIN
FORENSIC DOCUMENT ANALYST
INK DATING SPECIALIST

THOMAS K. HUARD Ph.D.
DNA ANALYST

MARCO A. SCARPETTA Ph.D.
DNA ANALYST

PAUL B. ALBEE Ph.D.
COMPUTER RECOVERY SPECIALIST

DONALD A. SMITH
COMPUTER RECOVERY CONSULTANT

Erich J. Speckin

August 7, 2006

Education:

- Purdue University at age 15 to study engineering
- Albion College at age 17 to study biology and pre-medical
- Michigan State University graduated with a degree in Chemistry

Forensic Training:

- Two year residency with Leonard A. Speckin in the examination of questioned documents
- One year residency with Brunelle Forensic Laboratories in the identification and dating of inks

Over 10 scientific papers authored or co-authored including:

- The Obverse-Reverse Intersection of Lines
- Chemical Removal of Magic Marker on Photocopied Documents
- An Independent Assessment of Ink Age determination by a Private Examiner
- The Detection of Mastic on Plastic
- Interpretation of Ink Age Testing Using Rate and Percent of Extraction
- Case Study of Accelerated Ink Age Determination

SCHWID0284

Invited Speaker:

- Michigan State University
- American Trial Lawyers Association
- International Association of Questioned Document Examiners
- Medical Legal Consultants
- National Association of Document Examiners
- Canadian Society of Forensic Sciences
- American Academy of Forensic Sciences
- American Society of Questioned Document Examiners
- Midwestern Association of Forensic Scientists
- Southwestern Association of Forensic Document Examiners
- Medical Defense Attorneys Meetings
- Wayne County Nursing Consultants
- Various Insurance and Private Investigators Associations
- Nevada State Bar Association
- Gesellschaft fur Forensische Schriftuntersuchung E.V. (GFS) in Hamburg,
Germany

Testified in cases in Federal Court, Circuit Court, District Court, Union Arbitrations, licensing matters, depositions, and the State Board of Canvassers in Michigan, Pennsylvania, Delaware, Missouri, Georgia, Louisiana, North Carolina, Oregon, New York, Illinois, Indiana, Ohio, New Jersey, Oklahoma, California, Kansas, Washington D.C., Virginia, West Virginia, South Carolina, Florida, Arizona and Washington. Also in Vancouver, British Columbia Supreme Court, Mexico, and Hong Kong.

I have been appointed by judges in Michigan, California, Maine, Florida and Australia to perform examinations at the request of the court.

SCHWID0285

I have also been retained by the Embassy of Uruguay, Florida Department of Law Enforcement, Michigan Attorney Generals Office, Department of Natural Resources, The State Board of Canvassers, Health Care Fraud Division, Federal Defenders Office, National Labor Relations Board as well as many local, county, state, and federal offices.

Other clients include General Motors, Ford Motor Company, Chrysler, Honda, NationsBank, National Collegiate Athletic Association, National Basketball Association, National Hockey League Players Association, as well as many others.

I have performed examinations in over 1500 cases and presented sworn testimony in several states on several levels over 100 times; also worked cases from four continents and many countries.

National Media Appearances including:

- Wall Street Journal (front page)
- America's Most Wanted
- The Learning Channel (Medical Detectives)

Professional Memberships:

- Society of Forensic Ink Analysts (Board of Directors & President)
- Midwestern Association of Forensic Sciences
- American Society of Testing and Materials

Peer reviewed scientific publications including:

- Technical Report with Case Studies on the Accelerated Aging of Writing Inks, 1998 International Journal of Forensic Document Examination,
- Chapter in Encyclopedia of Crime & Punishment, 2001 Textbook
- Impression by Traced Forgery, 2001 American Society of Questioned Document Examiners (co-author)

SCHWID0286